

PATENT
450100-3752.1

REMARKS

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested. Applicants submit that the present amendment does not require further search and respectfully request that it be entered.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants submit herewith a Supplemental Declaration for the above-captioned application.

Claims 1-10 are pending in this application. Claims 1 and 5-10 are independent.

Claims 8, 9 and 10 are hereby amended, thereby obviating the antecedent basis issues.

Claims 1-3 and 5-10 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bouve (U.S. Patent No. 5,682,525) in view of Numagami (U.S. Patent No. 5,155,774).

Independent claim 1, recites in part:

"means for determining a limited portion of the remote data base based on the current position location of the information retrieval apparatus **and for searching the limited portion of the remote data base to acquire image information corresponding to a number of images based on the obtained image from the imaging means.**"

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(Underlining and Bold added for emphasis.)

It is respectfully submitted that the applied combination of Bouve and Numagami does not teach the above-recited features of independent claim 1. Specifically, the Office Action concedes that, "Bouve fails to disclose means for searching the limited portion of the remote database to acquire image information corresponding to a number of images based on the obtained image from the imagining means." (See Office Action page 3) While Applicants agree with that statement, Applicants respectfully disagree with the assertion that Numagami provides the disclosure missing from Bouve.

As understood by Applicants, Numagami relates to an image location identification apparatus that extracts a first set of control point data for calculating a transformation coefficient and a second set of control point data for verifying the transformation coefficient, from image data. According to global location data entered with the image data, a map corresponding to the image data is retrieved from the map database. A first part of the control point data for calculating the transformation coefficient is selected from predetermined control points of the map, and all permutations of the first part of the control point data are formed. (See Abstract, emphasis added)

The Office Action cites column two of Numagami, which recites, "CPU 5 controls all other sections 1, 2, 3, 4, 6 and CPU 5 retrieves a map corresponding to the image data 1 from the map data base 6, according to the location information 4. Then CPU 5 identifies the location between the image data 1 and the retrieved map, according to predetermined control points of the retrieved map and control points of the image data extracted by the image processing section 2. Lastly CPU 5 makes the image data 1 match with the map on display section 3." (See Numagami column 2, lines 45-50)

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Applicants respectfully submit that the retrieval function of Numagami does not teach or suggest searching the limited portion of the remote data base to acquire image information corresponding to a number of images based on the obtained image from the imaging means, as recited in claim 1.

Furthermore, Applicants respectfully submit that the combination of Bouve and Numagami is improper because it is based on impermissible hindsight. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to look to Numagami because Bouve provides a solution to access selected items of interest that is divergent from the solution provided in Numagami.

Indeed, the functionality for retrieving data described in Bouve includes communicating advertisements to a user. This approach does not teach or suggest or provide any motivation to look to a system that extracts a first set of control point data for calculating a transformation coefficient and a second set of control point data for verifying the transformation coefficient, from image data, as disclosed in Numagami.

Thus, Applicants respectfully submit that the combination of Bouve and Numagami is a result of improperly picking and choosing selected features from the art, using Applicants' claim as a blueprint.

Therefore, independent claim 1 is believed to be distinguishable from the applied combination of Bouve and Numagami and, furthermore, Applicants submit that the combination of Bouve and Numagami is based on impermissible hindsight.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 5-10 are also believed to be distinguishable from the applied combination of Bouve and Numagami.

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Further, claims 2 and 3 depend from independent claim 1 and, due to such dependency, are also believed to be distinguishable from the applied combination of Bouve and Numagami for at least the reasons previously described.

Applicants therefore respectfully request the rejection of claims 1-3 and 5-10 under 35 U.S.C. §103(a) be withdrawn.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouve and Numagami as applied to claim 1, and further in view of Hudetz (U.S. Patent No. 5,978,773).

Claim 4 depends from independent claim 1 and, due to such dependency, is also believed to be distinguishable from the applied combination of Bouve and Numagami for at least the reasons previously described. The Office Action does not appear to rely on Hudetz to overcome the above-identified deficiencies of Bouve and Numagami. Therefore, claim 4 is believed to be distinguishable from the applied combination of Bouve, Numagami and Hudetz.

Applicants respectfully request the rejection of claim 4 under 35 U.S.C. §103(a) be withdrawn.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

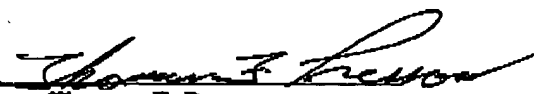
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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